

6/22/2021

United States District Court
For the District of New Jersey

At: 8:30_____.m

WILLIAM T. WALSH

CLERK

United States of America

v.

Victor Melendez

Dkt. No. 19-cr-654 (BRM)

MEMORANDUM & ORDER

THIS MATTER comes before the Court on the *pro se* motion of defendant Victor Melendez seeking compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A) (DE 44, 45) (the “Motion”). By his Motion, Melendez seeks home confinement and/or a reduction of his sentence on the basis that that there are extraordinary and compelling reasons for the Court to release him due to the risk of contracting COVID-19 and his health conditions. (DE 44, 45.) The United States, by Rachael A. Honig, Acting United States Attorney for the District of New Jersey (Jennifer S. Kozar, Assistant U.S. Attorney, appearing) opposes the motion on the basis that the Bureau of Prisons has informed the United States that the defendant, who was previously in custody at FCI Danbury, has already been placed on home confinement as of March 30, 2021 and will remain on home confinement through the completion of his sentence. (DE 47.) The United States is also informed by the Bureau of Prisons that FCI Danbury has no record of a request or application for compassionate release being sent by the defendant to the Warden. (DE 47.)

IT IS THEREFORE, on this 22nd day of June, 2021,

SO ORDERED that the defendant's Motion is denied as moot on the basis that he has already been placed on home confinement by the Bureau of Prisons and will remain on home confinement through the completion of his sentence, thereby addressing the defendant's concerns about the risks of contracting COVID-19 while in custody at FCI Danbury due to his health conditions; and it is further

SO ORDERED that any requests by the defendant for further relief pursuant to 18 U.S.C. § 3582(c)(1)(A), including but not limited to a reduction of his sentence, shall first be made to the Bureau of Prisons.

A handwritten signature in black ink, appearing to read "Brian Martinotti", written over a horizontal line.

Honorable Brian R. Martinotti
United States District Judge